

CV 17-4091

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ORIGINAL

RAMON E. MORILLO BURGOS

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

- (1) Ebay
- (2) Paypal
- (3) US post office

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No
(check one)

BRODIE, J.

BLOOM, M.



I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>RAMON MORILLO</u>
Street Address	<u>89-44 162 ST APT 1E</u>
City and County	<u>Jamaica, Queens NY</u>
State and Zip Code	<u>11432</u>
Telephone Number	<u>718 864-9031</u>
E-mail Address	<u>cibao_18@hotmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>EBAY</u>
Job or Title (if known)	
Street Address	<u>625 6th Ave</u>
City and County	<u>MANHATTAN, NY</u>
State and Zip Code	<u>NY 10011</u>
Telephone Number	<u>212 331-3890</u>
E-mail Address (if known)	

Defendant No. 2

Name	<u>PAYPAL</u>
Job or Title (if known)	<u>ATTN: Legal Dept./Civil</u>
Street Address	<u>2211 North First Street</u>
City and County	<u>SAN JOSE, CA. 95131</u>

State and Zip Code

CA 95131

Telephone Number

888 221-1161

E-mail Address
(if known)

Defendant No. 3

Name

US Postal Service

Job or Title
(if known)

Monique B Phipps SSDA

Street Address

8840 164 St

City and County

Jamaica Queens

State and Zip Code

NY 11432

Telephone Number

718 990-1090 718 990-1165

E-mail Address
(if known)

Defendant No. 4

Name

N/A

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

N/A

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* N/A, is a citizen of
the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* N/A, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is
incorporated under the laws of the State of (name)
_____, and has its principal place of
business in the State of (name) _____. Or is
incorporated under the laws of (foreign nation)
_____, and has its principal place of
business in (name) _____.

*(If more than one defendant is named in the complaint, attach an
additional page providing the same information for each additional
defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant
owes or the amount at stake—is more than \$75,000, not counting interest
and costs of court, because (explain):

N/A

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as
briefly as possible the facts showing that each plaintiff is entitled to the damages or other
relief sought. State how each defendant was involved and what each defendant did that
caused the plaintiff harm or violated the plaintiff's rights, including the dates and places
of that involvement or conduct. If more than one claim is asserted, number each claim
and write a short and plain statement of each claim in a separate paragraph. Attach
additional pages if needed.

There are 3 entities involved in this case. C#1) ON Feb. 18 2017, I bought an item ON Ebay C#2) I paid it with my Paypal debit card C#3) the post office never did anything to help me to get my package neither to get my money back. so, these 3 entities are responsible in this lawsuit. all of them left me stocked in the middle of the way with no help at all.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(#1) I am a permanently disabled person with Braces on my both Legs, 3 times Spinal Surgery & besides my difficult physical condition, I've been up and down dealing with these people with no help. multiple Trips to the post office, several emails, faxes, and phone call →

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/30/2017

Signature of Plaintiff

Printed Name of Plaintiff

Ramon Morillo
RAMON MORILLO

Continuation of the relief part IV page 6

this situation has caused me too much stress, due to my difficult physical situation. as I said before, I've contacted them in many different way, personally, faxes, emails, phone calls To all the 3 defendants with none kind of result.

Note #1 I am submitting all Proves especially for the purchase, (note #2) I even appealed a case on Paypal and it was also denied here you have the Proves:

Your Honor: I put my trust first on God in Heaven & on you on Earth. From these 3 entities, I ask \$100,000.00 US dollars from each of them.

I hope my petition to be granted.

Sincerely Ramon Morillo

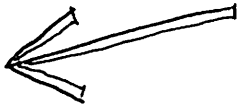
PayPal Customer Support
Informacion legal
6/2/2017 at 9:01 AM

Estimado Ramon Morillo,

Si desea entregar a PayPal una demanda o citación legal, debe seguir las normas aplicables según la ley federal o estatal que rige las notificaciones judiciales. Es su responsabilidad determinar qué reglas se aplican a su situación en particular.

Todas las **citaciones civiles** deberán enviarse a PayPal a través de nuestro agente registrado, *corporación de CT*, correo certificado estadounidense o un transportista como FedEx o UPS, y se deben enviar a:

PayPal
Attn: Legal Dept./Civil
2211 North First Street
San Jose, CA 95131



PayPal no acepta servicio personal ni acepta servicio por medios electrónicos, como fax o correo electrónico.

Si tiene una citación relacionada con un asunto criminal, envíenosla a nuestro equipo de Protección de Activos Global desde el Centro de Seguridad: Herramienta de Aplicación de la Ley de PayPal aquí: <http://safetyhub.paypal.com>. Para obtener instrucciones acerca de cómo enviar una citación, también puede visitar nuestro Centro de Seguridad: <https://www.paypal.com/us/webapps/mpp/law-enforcement>

Atentamente,
Daniela

Servicio de Atención al Cliente de PayPal

Copyright © 1999-2017 PayPal todos los derechos reservados.

Aviso al consumidor PayPal Pte. Ltd., el poseedor de la facilidad del valor almacenado de PayPal, no requiere aprobación de la Autoridad Monetaria de Singapur. Se aconseja a los usuarios leer cuidadosamente los términos y condiciones.

PayPal: Complaint Received - Case # PP-005-648-554-495



service@paypal.com



Responder |

Hoy, 04:14 p.m.

Usted

Este mensaje procede de un remitente de confianza.

Hello ramon morillo,

PayPal has escalated this dispute to a claim. As part of our investigation, we will review any communication you may have had in the Resolution Center.

Thank you for contacting PayPal. We have begun our investigation of the following transaction:

Seller's Name: Sabine Loibl

Seller's Email: loiblcarolin@t-online.de

Seller's Transaction ID: 5KM154090M7279736

Transaction Date: Feb 18, 2017

Transaction Amount: -\$405.00 USD

Your Transaction ID: 2N439056C9772372A

Case Number: PP-005-648-554-495

Buyer's Transaction ID: 2N439056C9772372A

Our records indicate that the seller shipped your item using PayPal Shipping. You can track this package by logging in to your PayPal account and visiting your transaction history log or by confirming the information below:

Tracking Company: DHL

Tracking Number: 951936913972

If you would like to cancel this complaint after viewing the tracking information, you may do so by clicking the link below:

Correo de Outlook

Buscar en Correo y Conta...

Nuevo | v

Responder | v

Eliminar

Restaurar

Archivar

Correo no deseado | v

Mover i

^ Carpetas

Bandeja de ent 130

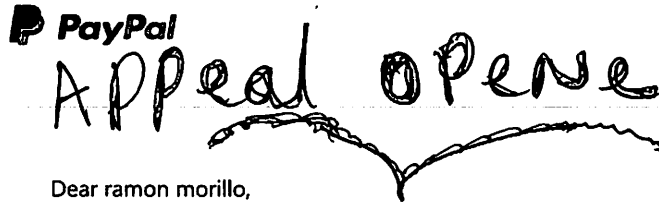
Correo no deseado 35

Borradores 5

Elementos enviados

Elementos el 1080

Archivo



Dear ramon morillo,

To continue our review of your case, we need some additional information.

Transaction Details

Case number: PP-005-648-554-495

Seller's name:

Seller's email: loiblcarolin@t-online.de

Seller's transaction ID: 5KM154090M7279736

Transaction date: February 18, 2017

Transaction amount: -\$405.00 USD

Your transaction ID: 2N439056C9772372A

This case has now been appealed. Please provide your documentation to PayPal as soon as possible.

Supplying Your Documents to PayPal

Unfortunately, we cannot accept email attachments.

If the upload feature is available in your PayPal account, we encourage you to upload your documents, as it's usually the quickest way for us to receive and review your information.

Here's how to upload your information:

1. Log in to your PayPal account.
2. Click **Resolution Center** near the top of the page.
3. Click **Resolve** under **Action** next to the item for which you need to provide documentation.
4. Follow the instructions to upload the files.
5. Click **Send Files to PayPal**.

You can also fax the documents to PayPal at (402) 537-5760 (please note this is a United States phone number, if you are faxing from outside the United States, you will probably need to dial 00 1 before the number). The fax needs to include your email address and this case number: PP-005-648-554-495.

If we do not receive your documentation before April 29, 2017, this case will be closed. Unfortunately, we are unable to grant extensions to this time period.

Sincerely,

PayPal

Correo de Outlook

Buscar en Correo y Conta...

Nuevo | v

Responder | v

Eliminar

Archivar

Correo no deseado | v

Limpiar

Mover a v

^ Carpetas

Bandeja de en 130

Correo no deseado 34

Borradores 5

Elementos enviados

Elementos eliminados 1080

Archivo

Case number: PP-005-648-554-495



service@paypal.com

Ayer, 12:34 a.m.

Usted v

Appeal DENIED

Este mensaje procede de un remitente de confianza.

Hello ramon morillo,

We received your appeal for the following transaction:

Transaction Details

Case number: PP-005-648-554-495

Seller's name: Sabine Loibl

Seller's email: loiblc Carolin@t-online.de

Seller's transaction ID: 5KM154090M7279736

Transaction date: February 18, 2017

Transaction amount: -\$405.00 USD

Your transaction ID: 2N439056C9772372A

Item name:

•TOP ! VITAGE ! GERMANY HOHNER ERICA BUTTON ACCORDION WITH WOODEN CASE

Item number:

•201810273569



The seller has provided valid tracking information on the above case. As a result, your appeal can not be granted.

We encourage you to contact your seller for a resolution.

We value your business and regret that you have had this experience.

Thank you for your cooperation.

Sincerely,

Protection Services

Copyright © 1999-2017 PayPal. All rights reserved.

Attention: PayPal

Sold by misscaro91 (672)

+ Show additional actions

Estimated delivery **Wednesday, Mar 1, 2017 - Thursday, Mar 16, 2017**

+ Show shipping details



**TOP ! VITAGE ! GERMANY
HOHNER ERICA BUTTON
ACCORDION WITH WOODEN
CASE**

Item price \$325.00 + \$80.00 Shipping!!!

Quantity 1

Item number 201810273569

Shipping service Economy Shipping from outside US

Leave feedback

Contact seller

Return item

Ramon Morillo

my email: cibao_18@hotmail.com

USPS FAX# 323-586-4363

Missing Mail

Send the mail or package to:

Every detail counts. Please double-check your entries before submitting.

The addressee

Search Status: Draft

Your search form will be stored in our system for 7 days.

Contents of Your Mail Piece

Tracking Number

CL627625616DE

Edit

Additional Barcode(s)

Mailing Date

02/18/2017

Edit

Service Type

Unknown/Other

Edit

Extra Service(s)

Addressee's Address

RAMON MORILLO

89-44 162nd ST 1E

JAMAICA, NY, 11432

Edit

Mailer's Address

MHL MUSIKHANDEL LOIBL

MHL MUSIKHANDEL

WOLFERSBACH 3A

BISCHOF SMAIS, GERMANY, 94253

Edit

Contact Information

RAMON MORILLO

7188649031

cibao_18@hotmail.com

Edit

Ramon Morillo
Email: cibao_18@hotmail.com

Attention Pay Pal

INTERNATIONAL RESEARCH GROUP



April 3, 2017

Case Number: DE4046619



RAMON MORILLO
8944 162ND ST STE 1
JAMAICA, NY 11432-5045
UNITED STATES

Dear Customer:

An inquiry has been received from the Foreign Postal Administration of GERMANY, concerning the delivery of ordinary parcel with indemnity, article number CL627625616DE, which was addressed to you. This item was sent on February 21, 2017, by:

MHL MUSIKHANDEL LOIBL
WOLFERSBACH 3A
BISCHOF SMAIS, 94253 GERMANY

Please complete the reply section below and return this letter to us by fax at 323-586-4363, or by mail within 3 business days to let us know if you did or did not receive this item. Please include your article number when you reply. A self-addressed postage paid envelope is enclosed for your convenience.

Thank you for your assistance in completing this inquiry.

Sincerely,

Customer Service Representative

Enclosure

CUSTOMER REPLY (please check one)

Case Number: DE4046619

☐ This item was received on or about _____

☒ This item was not received.

Article Number ~~CL627625616DE~~ CL627625616DE

Signature: RAMON MORILLO

Name of Firm (if applicable): _____

Note: email: cibao-18@hotmail.com

Please, let me know if you got this FAX,

thanks

INTERNATIONAL RESEARCH GROUP
UNITED STATES POSTAL SERVICE
P.O. BOX 512318
LOS ANGELES, CA 90051-0318
TEL: 1-800-222-1811
FAX: 323-586-4363
323-586-4368

1572-PARCELS

Dear ramon morillo,

To continue our review of your case, we need some additional information.

Transaction Details

Case number: PP-005-648-554-495

Seller's name:

Seller's email: loiblcarolin@t-online.de

Seller's transaction ID: 5KM154090M7279736

Transaction date: February 18, 2017

Transaction amount: -\$405.00 USD

Your transaction ID: 2N439056C9772372A

This case has now been appealed. Please provide your documentation to PayPal as soon as possible.

Supplying Your Documents to PayPal

Unfortunately, we cannot accept email attachments.

If the upload feature is available in your PayPal account, we encourage you to upload your documents, as it's usually the quickest way for us to receive and review your information.

Here's how to upload your information:

1. Log in to your PayPal account.
2. Click **Resolution Center** near the top of the page.
3. Click **Resolve** under **Action** next to the item for which you need to provide documentation.
4. Follow the instructions to upload the files.
5. Click **Send Files to PayPal**.

↓ *paypal FAX*

→ You can also fax the documents to PayPal at (402) 537-5760 (please note this is a United States phone number, if you are faxing from outside the United States, you will probably need to dial 00 1 before the number). The fax needs to include your email address and this case number: PP-005-648-554-495.

If we do not receive your documentation before April 29, 2017, this case will be closed. Unfortunately, we are unable to grant extensions to this time period.

Sincerely,

PayPal

Ebay Office

[Website](#)[Directions](#)

4.1 ★★★★★ 24 Google reviews

E commerce agency in New York City, New York

Address: 625 6th Ave, New York, NY 10011

Phone: (212) 331-3890

[Suggest an edit](#) · [Own this business?](#)

[Add missing information](#)

[Add business hours](#)

From eBay

- Buying basics

- Paying for items

- Didn't receive an item →

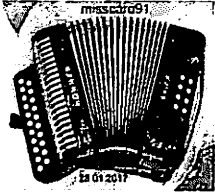


- Returns

- Cancel a purchase

- Other buying problems

Here's some information that might help you for 'Didn't receive an item'



TOP ! VITAGE !
GERMANY HOHNER
ERICA BUTTON
ACCORDION WITH
WOODEN CASE

Item no: 201810273569

Sale date: 02/17/17
02:11

Quantity: 1

[View order details](#)



We're sorry there's an issue with this purchase. Unfortunately, PayPal reports that we can't open a case for this item. You can try to work out this problem by contacting the seller.

[View tracking information](#)

Was this information helpful? ☐ Yes ☐ No

Contact options ⓘ

FEB 18 eBay - Ira... - \$49.41
Payment
Track Shipment

FEB 18 eBay - Sa... \$405.00
Payment

Paid with
PayPal balance

Shipped to
RAMON MORILLO
8944 162nd ST
APT 1E
JAMAICA, NY 11432-5046
United States

Track your shipment
951936913972
February 19, 2017, Marked as shipped
Status: Shipped

Request return shipping refund

Transaction ID
2N439056C9772372A

Seller info
Sabine Loibl (misscaro91)
loiblcarolin@t-online.de

Purchase details
TOP ! VITAGE ! \$325.00
GERMANY HOHNER
ERICA BUTTON
ACCORDION WITH
WOODEN CASE
Item #201810273569

Shipping true

Receipt of the
Purchase

Paid with
PayPal balance

Shipped to
RAMON MORILLO
8944 162nd ST
APT 1E
JAMAICA
NY
11432-5046

[Click here to see shipment information](#)

Track your shipment

CL627625616DE

April 13, 2017, Sent by USPS

Status: Shipped

Track your shipment

951936913972

February 19, 2017, Marked as shipped

Status: Shipped

Transaction ID

2N439056C9772372A

Seller info

Sabine Loibl (misscaro91)

loiblcarolin@t-online.de

Purchase details

TOP ! VITAGE ! GERMANY \$325.00

HOHNER ERICA BUTTON

ACCORDION WITH WOODEN

CASE

Item #201810273569

Shipping	\$80.00
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Total	\$405.00
-------	----------

[Print details](#)



*Email sent to the seller
on 5/3/17*

New message to: **misscaro91**

HI GUYS, I HAVE SENT YOU MANY EMAILS AND YOU NEVER ANSWER BACK TO ME....
PLEASE, TRY TO CLARIFY THIS PROBLEM IN YOUR COUNTRY, REMEMBER, THIS IS MY
MONEY STOCKED IN THE MIDDLE OF THE ROAD FOR ABOUT 3 MONTHS,,,,,PLEASE, GO
TO YOUR LOCAL POST OFFICE TO SEE WHAT HAPPENS THERE. PLEASE, LET ME KNOW
SOON. THANKS, SINCERELY YOURS, ELCAZADOR

TOP ! VITAGE ! GERMANY HOHNER ERICA BUTTON ACCORDION WITH WOODEN CASE



Order status: Paid

Paid \$405.00 with PAYPAL on Feb 18, 2017 11:57 PST

Estimated delivery: Wed. Mar. 1 - Thu. Mar. 16

Tracking number: 951936913972

[View order details](#)

eCustomerCare National<ECCADUSER@usps.gov>

Mon 08/05, 07:56 PM

Usted

Bandeja de entrada



Responder |



Este mensaje procede de un remitente de confianza.

Dear Postal Customer,

I regret learning of the inconvenience you have experienced regarding mail item 9114901496450316017199.

The Postal Service is aware of the frustration and disappointment caused when we do not live up to our commitment of safe and reliable mail service.

Upon investigation, we found that this item CL627625616DE may have been lost in transit to its destination. I understand your disappointment about the loss of your parcel. . We recommend contacting the sender of your item immediately. You can supply them with a copy of this letter as proof that you have filed an inquiry of non-receipt to the USPS.

An apology is no substitute for good service, but I want to offer one on behalf of the Postal Service. We appreciate your reporting this matter to us. It helps to know the kinds of difficulties our customers have so we can work toward improvements. The information you have provided will be shared with management as they continue their efforts to improve service performance in your area.

Thank you for the opportunity to address this matter with you. Please accept our sincere apology for any inconvenience this matter may have caused you.

Sincerely,

Monique B. Phipps

SSDA

JAMAICA MPO, Jamaica NY 11432

(718) 990-1165

****Your case has been investigated and a solution has been provided to you. Should you have any additional concerns, please return to www.usps.com to send them to the appropriate office. Please do not reply to this message.****

Your privacy is important to us. If you would like additional information on our privacy policy, please visit us online at: www.usps.com.

Updated information regarding your recent inquiry (Case ID:132877442)
(KMM43489402V31090L0KM)



eCustomerCare National <ECCADUSER@usps.gov>



Responder |

Ayer, 06:25 p.m.

Usted

↑ case closed

Bandeja de entrada



Este mensaje procede de un remitente de confianza.

In order to better serve you, your recently submitted inquiry was forwarded to an office that is better suited to address your needs. It is being investigated and you can expect a reply within 2 to 4 business days

Ramon Smoillo

E mail: cibao_18@hotmail.com

Tracking #:

CL627625616DE

Carrier:

USPS

Status:



ACCEPTED

IN TRANSIT

DELIVERED

In Transit to Destination

Mar-17-17, 10:49 AM

Departed USPS Facility

Mar-16-17, 10:49 AM, JERSEY CITY, NJ 07097

Arrived at USPS Facility

Mar-16-17, 08:49 AM, JERSEY CITY, NJ 07097

Origin Post is Preparing Shipment

USPS Tracking number

Tracking #:

951936913972

Carrier:

DHL

Status:

ACCEPTED

IN TRANSIT

DELIVERED

Entladung

Mar-16-17, 10:49 AM

Beladung

Feb-24-17, 13:32 PM

Weiterleitung zur Exportbearbeitung

Feb-22-17, 03:46 AM

Weiterleitung zur Exportbearbeitung

Feb-21-17, 19:11 PM

Erfolgreich abgeholt

Feb-21-17, 11:24 AM